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IS OUR REPUBLIC A FAILURE ?¹

A GENTLEMAN prominently connected with the diplomatic service of a European nation said to me a few years ago: "You must remember that your republic is even now merely an experiment. A century is nothing in the history of a nation. And it is yet to be proved that a democratic government on a large scale is a practicable thing."

I think we must admit that so far he was quite right. He was convinced, it might be added, that already signs of failure are obvious. He has no faith that the experiment will succeed. He insists that democracy, as in the days of Cæsar and Cromwell and Napoleon, must lead to autocracy.

Is he right in this also ?

We must bear in mind that our government is not merely a republic. Holland under the stadtholders was that, and so was Venice. But both were profoundly aristocratic. Each was in fact ruled by a small oligarchy. But with us the basis of government is popular. We are a democracy—a democratic republic.

Of course it is not intended by that to imply that with us *all* the people share in government. From the nature of the case that is and always must be a physical impossibility. Even altogether aside from the question of woman suffrage, it is obvious that there will always be a large number of children and an appreciable number of criminals and persons of disordered and weak mind who should not be entrusted with political power. The real difference, then, between what we call an oligarchy and what we call a democracy is that in the former the political people are few, in the latter the political people are many. Of course in a modern state by the political people we mean those

¹ Delivered before the members of The University of Chicago, July 4, 1895.

possessed of the elective franchise. These in our country are now about one person in five of the whole population. If women were admitted to vote on equal terms with men the proportion would presumably be about two persons in five.

This then is the first characteristic of a political democracy. The political people are relatively very numerous.

The second characteristic is eligibility to public office. With us this is nearly as unlimited as the elective franchise. The age limit is somewhat higher, and occasionally there is a residence limitation also. To be sure no one can be president of the United States who is less than thirty-five years old. But, inasmuch as there are several millions of men in the various states who are above that age, and as these include practically all who under almost any supposable circumstances would be considered possibilities, we can hardly call the limitation a drastic one. Certainly there is never any dearth of candidates.

Compare this with the French law just preceding the revolution of 1848, which required the payment of direct taxes amounting to \$2,000 a year as a condition of eligibility to sit in the lower house of the national legislature. By this means frequently there were not more than fifty men in a department who were thus eligible. Suppose the case that only fifty men in Illinois were legally qualified for membership in the national house of representatives! In fact we have the privilege of choosing our members from at least a half million men.

In both these respects, then—eligibility for the suffrage and eligibility to office—we are very democratic. And not only that—for the whole of our history we have steadily been becoming more democratic. A hundred years ago, the property qualification was required for suffrage in nearly all the states. It has been swept away. And thus the proportional number of voters has been greatly increased.

At the time of our revolutionary war, the most of the states restricted eligibility to hold office by requirements of property or religious belief. I quote from McMaster (III. 148):

No atheists, no free-thinkers, no Jews, no Roman Catholics, no man, in short, who was not a believer in some form of the Protestant faith, could ever be governor of New Jersey, New Hampshire, Connecticut, or Vermont. Any rich Christian might be the executive of Massachusetts or Maryland. Elsewhere he must be a Trinitarian and a believer in the divine authority of the Bible, or acknowledge one God, believe in heaven and hell, and be ready to declare openly that every word in the Testaments, both old and new, was divinely inspired. Not content with restrictions such as these, many states went further, and required that the governor should not only be pious but rich. In one he must have an estate of £100, in another of £500, in another of £5000, in another of £10,000.

All these limitations have disappeared. Some of our states have governors who are not rich. And there are some governors who are not pious. In short, the number of men legally eligible to that high office has largely increased. There are very few men of full age in this audience who, should they be elected, could not be governor of this state, or a member of either house of our general assembly.

I suppose that the essence of a republic lies in the absence of hereditary tenure of public office. And it is quite true that we are not blessed in this country with a Prince of Wales who will become chief magistrate of the nation merely because his great-grandfather held that exalted station; or with an upper house of the national legislature constructed on the same wise plan. It has been said that to educate a boy one should begin with his grandfather. It is not so sure that that is the best way to make a congressman. In short, rightly or wrongly, the republic chooses live men as its officers. The monarchy submits to dead men. It is the mouldering bones of old George the First which in fact fill the English throne. But it would not be easy for the plain man to prove that our President ever had a grandfather.

Here, then, is a form of government to all whose offices many thousands of men are eligible, and to whose elective franchise nearly every man of full age is entitled. It is a democratic republic. And from its inception in 1776 to the present day it

has been steadily growing more democratic and more republican.

Is it a failure ?

There is no room for the cheerful optimism which sees only the glories of the republic. The true patriot must scan anxiously its dangers as well. And the thoughtful mind must admit that in our public life there are some undoubted and alarming evils.

Of these, perhaps, none is more grave than the disappearance of public confidence in our legislative bodies.

Our revolt from Great Britain was an escape from submission to a rule to which we did not consent. And we entered on a career of independence in cheerful confidence that now we should have our own way and all would be well. We would not be taxed by Parliament—a body in which we were not represented. We would be taxed only by our own legislatures. Our legislatures were the representatives of the people, and surely the people could govern themselves.

But gradually it was learned that these representatives could not altogether be trusted. This was a surprising revelation. But in the effort to guard the public against these agents of the public our state constitutions have been loaded with restrictions on the legislative power. A long and increasing series of acts has been flatly forbidden. The appointing power and veto power of the governor have been greatly increased. The courts have been carefully vested with the power of scrutinizing legislation and nullifying such as conflicts with the organic law.

In the first constitution of the state of New York almost nothing was expressly forbidden to the legislature. In the last constitution of that state there are pages of distinct prohibitions on that body, besides a considerable number of powers, once legislative, but now vested in other authorities.

The first constitution of Illinois gave the legislature the power of electing nearly all state officials below the governor. The present constitution of this state has taken away practically all this authority.

These are mere illustrations. To the student of the development of our state constitutions nothing is more striking than the

extraordinary growth in the number and variety of restrictions on the legislative power. And each individual one of these restrictions has been the result of some abuse.

And this historical fact is equally true of our local legislatures in municipal affairs. City councils have been stripped of power after power, until in New York and Brooklyn they are mere shadows. And in Chicago few people would mourn if the common council were nothing more than a shadow.

Here, then, is a fact in constitutional history. The development of our organic law since the republic was founded exhibits a growing distrust of legislatures and an incessant multiplication of measures calculated to hedge them about with restrictions.

And this state of public opinion, so clearly reflected in constitutional enactments, has become deeply impressed on the public consciousness.

Nothing is more common than the opinion that our legislative bodies, from Congress to the common council, are both ignorant and venal. We all remember the case of the young member of Congress from the far west, who, when he first took his seat and listened with awe to the speeches of his colleagues whose names had been to him household words, audibly expressed the wonder how in thunder he got there. After he had been a member for a year he wondered how in thunder any of them got there. More than one business man since 1893 has despairingly wished that Congress would adjourn for ten years. And in his old age one day Gouverneur Morris remarked to John Jay: "Jay, what a set of damned scoundrels we had in that Second (Continental) Congress." And Jay assented. This was the Congress which declared our independence and waged the Revolutionary War.

And the periodical adjournment of our state legislatures is usually welcomed with a sigh of relief. It is well understood that these bodies as a rule are not independent lawmakers. They move only as the wires are pulled by their various masters, political and financial. The taint of jobbery and bribery infects them. The lobby has come to be called "the third house"—

and the lobby as a rule means bribery, direct or indirect. It is a regular thing for "sand-bagging" bills to be introduced, whose only object is to extort money from wealthy interests which the bills threaten. And on the other hand the most salutary measures often fail if they antagonize the profits of powerful corporations. Meanwhile legitimate legislative business is choked by a mass of bills, while the vicious committee system puts it in the power of small cliques to smother at will almost any measure they please. Our legislatures are no longer deliberative bodies.

As to our city councils, the very name in our large cities has become malodorous. If one should explain to this audience that in German cities membership in the municipal council gives valuable social rank, an involuntary grin would ripple from the platform to the door. Such a notion seems to us quite weirdly grotesque. We are surprised and thankful if one more than a third in such a body will occasionally vote against corrupt measures. And when a man of character and standing consents to an election to the council, the community looks on it as almost quixotically self-sacrificing.

Is it not a fact that we have come to expect much more from the President of the United States than from Congress—that we look to the governors of our states for protection from the crude and corrupt action of our legislatures—and that civic reform is embodied in the mayor? It may be admitted that states occasionally have selected for their chief magistrates some very extraordinary individuals. About two years ago there was an eruption of wild-eyed governors in several states—political pimples, indicative of poison in the blood of the body politic. But after all that was an incident—one on the whole which has occurred rather seldom. And on the other hand, can any one at this moment point to any state legislature which is clearly and unmistakably as valuable to the public as the few executives in question were valueless?

A second grave fact which confronts us is the actual tyranny which prevails at too many points and at too many times in the republic.

One form of this is the tyranny of aggregated wealth. It is too late a day in the history of modern society to deplore the union of capital in masses for the accomplishment of ends which can only be attained by vast financial power. The achievements of today consist in the application of tremendous controlled energies in the overcoming of gigantic obstacles. We transport our merchandise not in single wagons loaded with hundred-weight and hauled by creeping oxen, but in long trains crammed with hundreds of tons and whirled through space by powerful steam engines. We build bridges not over rivulets but over arms of the sea—measuring their length not in rods but miles. And in all the infinity of great undertakings which engage the restless activities of our leaders of industry, capital is demanded, not in thousands, but in millions—not in millions, but in hundreds of millions. How else could we cleave the continent with the Nicaragua canal or span it with the steel rails of our Pacific highways? The nineteenth century is not the eighteenth. Today is not yesterday. Capital must be massed in order to work out the plain and necessary tasks which with their gigantic difficulties confront us with our gigantic powers.

But in wielding great resources for the attainment of grand results, the individual has withered. The rights and interests of a single puny human unit, if in the way, are crushed as if by a car of Juggernaut. The general of an army thinks of his men as so many machines. That they have nerves, hopes, longings, affections, of all this he takes no thought. So many men he allows to be destroyed in exchange for a battery. So many more he gladly sacrifices for a strategic point. That is war. And so in the business of our great corporations. The employés are too apt to be held as mere cogs or pinions in the machinery. If men could be fabricated of brass and leather, to be set going by changing a power belt, to be stopped by touching a lever, our corporations would gladly discard flesh and blood. But as the human brain and the human hand must be employed, they are handled as nearly as possible as though in fact they were of brass

and leather. "Thou shalt love thy neighbor as thyself" was not addressed to a modern corporation.

And it is not merely the employé whose rights and feelings are disregarded. The classic remark of a great captain of industry when the interests of the public were mentioned to him, was, "The public be damned." And that was merely a coarse and blunt expression of the actual spirit of nearly all corporate action. The legal fiction of a soulless corporation is the expression of a biting social fact. The corporation has no soul. It has no heart. It is only a brain and a muscular, grasping hand.

And so it is that in dealing with employés and in dealing with the public our corporations are in fact too often a tyranny remorseless as that against which our fathers rebelled in 1776.

Now, observe, I speak of corporations, not of their members. A man may have a conscience of his own. But it is a strange fact that in combined action the moral temperature of the mass is always lower than that of its individuals. Political parties as such do things which their component individuals would scorn. Nations in their intercourse today follow little more than the brutal principles of the middle ages. And the conscienceless tyranny of too many of our financial combinations is a tendency as inevitable as that of gravitation. It is not necessarily and only the product of the shameless wickedness of the units of the corporation. When an express train thunders over the shrinking form of a child who has fallen on the tracks, it crushes remorselessly the quivering flesh and the tender bones and the thrilling nerves. The pity of it—the pity of it! And yet vituperation at the engineer, or the conductor, or the directors, is idle. See if blame rests on them, surely. But turn your best energies to finding a device such that hereafter a child cannot fall on the track.

There is another form of modern tyranny in our republic. The union of employés is as inevitable as the union of capital. Labor organizations and corporations are the two poles of the modern industrial world. And no one can deny that in union the laboring man has found strength.

But—when the union denies to any man the right to earn his living by any honest work which he chooses—when physical violence is used to enforce this denial—then there is a tyranny as utter and as brutal as any ever wielded by absolute monarch. Freedom is a cherished boon in this American republic. Our forefathers gave their blood and their lives to win it. And we their children will not easily yield it at the demand of any man or of any body of men.

Bearing in mind, then, the imbecility of one vital branch of our republican form of government, the grasping and pitiless tyranny of aggregated capital, and the equally brutal tyranny of aggregated labor, it is well to ask ourselves seriously the question whether these ominous dangers are inherent in our republican democracy. They are sapping the national strength. They are disintegrating the national conscience. They are corrupting the national heart. Can we escape them by a monarchy? Is aristocracy really the government of the best? Was the declaration of independence in truth the beginning of our woes?

In trying to answer these questions we should remember in the first place that democracy brings all things into the light. Democracy is eternally inquisitive. The “bright, keen sunlight of publicity” brings out every blemish, searches into every flaw. Our ladies will assure us that it is only a perfect complexion which will stand a blaze of direct light. Shadows and cloudy days soften rugged outlines. It is just so in the state. Surely no autocracy could be more absolute than that of Russia. And could free speech and a free press exploit the reserve of that autocratic administration, there is little doubt that there would be revealed a corruption which would out-Tammany Tammany itself. In other words, we may be very sure that we know the very worst of our democracy. But who knows the quiet things which underlie the smooth surface of hereditary aristocracy? Now and then a Stead drags them into daylight—and he goes to prison for his pains. Now and then a Bastille is stormed—and the secrets of the prison crypts are revealed. Nepotism and sinecures, too, are the horror of democracy—they are the

commonplace of aristocracy. We must allow, then, for this difference of publicity and for this difference of emphasis. The first English slave trader, John Hawkins, was rewarded with knighthood by Queen Elizabeth. The last slave trader of Saxon race was not knighted. He was hanged in New York harbor. There is a difference in the point of view.

Again, we must remember that after all the most serious issue is not governmental. It is social. The real question is not — Is republican government a failure? It is this — Is modern civilization a failure? The same flagrant corruption has been seen under monarchical forms. The second empire in France was rotten to the core. It was not a lack of French valor which caused France to go down before the German artillery at Sedan. It was the swindling contractors, the fraudulent officials, the imbecile administration. Was the empire a failure? Yes — but only as falseness permeated official France.

Could public life be worse than it was in England under the Georges! Bribery reigned supreme in parliament. Boroughs were known to advertise in the public prints that they would sell their seats in the House of Commons to the highest bidder. The union with Ireland was carried through in 1800 by processes which would put our most cynical lobbyists to the blush. Sinecures in church and state, pensions and peerages for infamous services, were as thick as blackberries.

And the tyranny of banded capitalists, on the one hand, and of banded toilers, on the other, is as strenuous in monarchical Europe as in democratic America.

I repeat — the prime question is social. And it is gravely menacing throughout all the civilized nations. The truth is that democracy merely strips away disguises and puts us face to face with the facts. Monarchy and aristocracy are an evasion of the issue — they temporize. It is idle for men to try to avoid personal responsibility. The crucial question of the ages is simply this: Can men govern themselves? The affirmative is civilization — the negative is barbarism. The whole trend of modern life — the sweep of modern progress — is

towards individual freedom and individual responsibility. And that is only another way of saying democracy. Shifting the responsibility to some heaven-born ruler is mere cowardice. It is putting off the inevitable. Seek to evade it as we may, sooner or later men must find themselves everywhere face to face with the issue of self-government. Europe today is vastly more democratic than it was when our Continental Congress declared the independence of these United States. Universal suffrage rules European legislation from the Atlantic to the borders of Russia. Aristocratic power is stubborn. But it is slipping away. One might as well try to swim up Niagara Falls as attempt to set back this on-rushing tide of democracy.

And it is the glory of our fathers that they looked into the future with the eye of the seer. They dared to cut loose from the hereditary systems of the old world. They dared at that early day to assume, for themselves and their posterity, the responsibility of self-guidance. And that responsibility now rests on us.

It is evident that self-control means conscience and honor. And it is these qualities which a democracy pre-eminently needs. Here is the lack of our age. Democracy means individualism. And that has too fatefully come to mean yielding to the individual desire. It is what I want—or what I think I want—not what I ought—which determines my action. And so my moral strength becomes flabby. Here is the secret of the yielding of personal honesty to corporate unscrupulousness. Here is the secret of legislative corruption. More—here is the secret of that laxness of the family tie which is fattening our divorce courts and starving our delicate sense of duty. The ideal of the republic should not be sensuous ease, but fearless honor. Luxury and display belong to old world courts. He is not fit to live in the freedom of a republic who does not scorn a bribe—who does not look on personal dishonor as on bodily filth.

I believe profoundly that in our people there is a soundness at the heart which no superficial corruption can infect. We have met great dangers in our national history. And we have conquered them. The day in honor of which we are here assembled

meant that a crisis had come. It could only be met by personal sacrifice—by fearless devotion to principle. The people rose to the needs of the occasion. They pledged their lives, their fortunes, and their sacred honor. And they were victorious.

There came a second crisis, as grave as that of 1776. The republic seemed likely to fall to pieces. But the men who had frustrated the tyranny of George III. were ready to do battle with civil anarchy also. They formed a constitution and put it in force. And the second great danger was faced and routed.

In 1861 came the third great crisis. There was a fatal ambiguity in the organic law to be settled—there was an “irrepressible conflict” in local institutions to be harmonized. Wisdom was lacking to find a peaceful way out. And the solution was in blood. But there was a national heroism which again pledged “life, fortune and sacred honor.” The Civil War is over. We are far enough from it to rejoice that the nation is still a nation, and at the same time to do reverence to the devoted patriotism both of victors and of vanquished. Grant at Appomattox was victorious, but not vindictive. Robert Lee lost his campaign, but never his honor. They both were Americans. And as the Englishman of today is equally proud of fiery Prince Rupert and of the stern Puritan Ironsides against whom his cavaliers were shattered, so in coming years the American will thrill alike at the story of Burnside’s men at Marye’s Heights and of Pickett’s Virginians at Gettysburg. Their common glory belongs to our common country.

If there was enough stubborn vitality in the American people to carry them through these great national perils, is it likely that we shall succumb to those now impending?

I do not believe it. We shall learn how to deal with faithless and incompetent legislatures. We shall learn how to adapt our civilization to new forms of social organization. We shall learn a more delicate sense of public honor. We shall learn how to stand together in all the states as one man in stern opposition to political swindlers, whatever name they may assume. And in all our difficulties and in the stress of our most bitter strife, the

thought of the men of '76 will be to us always the inspiration which we need. They cared more for honor and for self respecting liberty than for property or for life. And inspired by that spirit our republic can never fail.

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